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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Andrew M. Pelletier et al.

Prior Application Serial No.: 09/434,244
Prior Application Filed: November 5, 1999

Serial No.: Unassigned

Filed: Herewith

For: METHOD AND APPARATUS FOR
MONITORING FETAL STATUS DATA

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§ Group Art Unit: Unassigned

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§ Examiner: Unassigned

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§ Atty Docket: GEMS:0055--1/YOD
31-PN-6223

jc971 U.S. PTO
09/931668
08/16/01

Assistant Commissioner
For Patents
Washington, D.C. 20231

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|--|---------------------|
| "EXPRESS MAIL" MAILING LABEL | |
| NUMBER: | EL 652 336 307 US |
| DATE OF DEPOSIT: | August 16, 2001 |
| <i>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the U.S. Postal Service, "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</i> | |
| August 16, 2001 | <i>Lynda Howell</i> |
| Date | Lynda Howell |

Dear Sir:

REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a Request for filing a divisional application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/434,244, filed on November 5, 1999, entitled **METHOD AND APPARATUS FOR MONITORING FETAL STATUS DATA** in the name of **Andrew M. Pelletier et al.**

The following are enclosed:

1. X Papers which the undersigned declares to be a true copy of the prior application as originally filed, including a Title page, a 16 page disclosure, 5 pages of claims, a 1 page abstract of the disclosure, 4 sheets of formal drawings, and a Combined Declaration & Power of Attorney signed by the inventors.
2. X The Commissioner is authorized to charge the filing fee as calculated below, less any claims canceled by amendment below, and any additional fees which may be required, to Deposit Account No., Order No. 07-0845, Order No. GEMS:0055--1/YOD (31-PN-6223).
- 3.a. A copy of the Election and Power of Attorney in the prior application.
or
3.b. A new Power of Attorney.
4. X An Assignment of record for the prior application.
5. X Three (3) sets of formal drawings, each set consisting of 4 sheets.
- 6.a. A verified statement claiming small entity status is enclosed.
or

6.b. _____ A verified statement claiming small entity status was filed in a parent application and small entity status is still proper and desired in this continuing application.

7. X Preliminary Amendment.

 X Please address all correspondence in connection with this application to **Patrick S. Yoder, Fletcher, Yoder & Van Someren, P.O. Box 692289, Houston, Texas 77269-2289; telephone (281) 970-4545.**

X Amend the specification by inserting before the first line the sentence:

--This application is a Divisional of application Serial No. 09/434,244, filed November 5, 1999.--

_____ Cancel in this application original claims ____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

The filing fee is calculated on the basis of the claims originally filed in the prior application, and any claims canceled by amendment.

| CLAIMS | FOR | NUMBER FILED | NUMBER EXTRA | RATE | CALCULATIONS |
|--------|---|--------------|-------------------------------|------------|--------------|
| | TOTAL CLAIMS 20 | - 20 = | 0 | X \$ 18.00 | \$ 0.00 |
| | INDEPENDENT CLAIMS 3 | - 3 = | 0 | X \$ 80.00 | 0.00 |
| | MULTIPLE DEPENDENT CLAIM(S) (If applicable) | | | + 270.00 | |
| | | | | BASIC FEE | 710.00 |
| | | | Total of above Calculations = | | 710.00 |
| | Reduction by ½ for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28. | | | | \$ |
| | | | | TOTAL = | \$ 710.00 |

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 16, 2001

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